

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**HARVEY MARTIN, ET AL.,**

**PLAINTIFFS,**

**VS.**

**CIVIL ACTION NO. 4:02CV315-P-B**

**FIRST FAMILY FINANCIAL SERVICES,  
INC., ET AL.,**

**DEFENDANTS.**

**ORDER**

This matter comes before the court upon Defendants' motion to dismiss the claims of Jimmie Brown under Fed. R. of Civ. P. 37(d) [97-1]. Upon due consideration of the motion – no response having been filed – the court finds as follows, to-wit:

Local Rule 7.2(c)(3) requires a party to notify the court if it intends not to respond to a motion. Local Rule 7.2(c)(2) allows the court to grant a motion to which no response was filed. The plaintiffs filed no response to the instant motion, nor did they otherwise inform the court of their intention not to respond.

**IT IS THEREFORE ORDERED AND ADJUDGED** that:

(1) Defendants' motion to dismiss the claims of Jimmie Brown under Fed. R. of Civ. P. 37(d) [97-1] is **GRANTED**; therefore,

(2) The claims of Jimmie Brown are hereby **DISMISSED WITH PREJUDICE**.

**SO ORDERED** this the 28<sup>th</sup> day of February, A.D., 2006.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE